

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PATRICK REYNOLDS and DANIEL LEWIS,
individually and on behalf of all others similarly
situated,

Plaintiff,

v.

MARYMOUNT MANHATTAN COLLEGE,
Defendant.

Case No. 1:22-cv-06846-LGS

**STIPULATION AND [PROPOSED]
ORDER RE CONSOLIDATION OF
ACTIONS**

LUCIA MARANO, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

MARYMOUNT MANHATTAN COLLEGE,
Defendant.

Case No. 1:22-cv-07027-LGC

WHEREAS, there are two related proposed class actions pending in this Court, both alleging causes of action against Defendant Marymount Manhattan College (“Marymount”) concerning an alleged data security incident sustained by Marymount in or around November 2021:

- *Patrick Reynolds et al. v. Marymount Manhattan College*, No. 1:22-cv-06846 (“*Reynolds*”), filed August 12, 2022 and currently pending before Judge Lorna G. Schofield;
- *Marano et al. v. Marymount Manhattan College*, No. 1:22-cv-07027 (“*Marano*”), filed August 17, 2022 and currently pending before Judge Lorna G. Schofield (*Reynolds* and *Marano*, together, the “Related Cases”);

WHEREAS, counsel for Plaintiffs in the Related Cases and counsel for Defendant have

conferred and agree that consolidation is appropriate under Federal Rule of Civil Procedure 42(a) because the Related Cases involve common questions of law or fact; specifically, the cases name a common defendant, arise from the same alleged data security incident, and allege substantially similar causes of action;

WHEREAS, the Related Cases presently have varying court-imposed deadlines for Defendant's response to the complaints and for submitting a proposed Case Management Plan and Scheduling Order;

WHEREAS, maintaining these varying deadlines prior to consolidation would lead to inefficiency, duplication of effort, and an unnecessary expenditure of resources;

WHEREAS, to conserve party resources and for efficiency, the parties agree to defer the above-mentioned deadlines until after the filing of a consolidated complaint;

WHEREAS, the parties propose, subject to Court approval, that the Consolidated Action proceed on the following schedule: Plaintiffs will file a Consolidated Complaint within 30 days of a consolidation order. Defendant will respond to the Consolidated Complaint within 30 days. If Defendant responds by way of motion, Plaintiffs will have 30 days to oppose the motion, and Defendant will have 21 days to reply. The parties will submit a joint letter and jointly proposed Case Management Plan and Scheduling Order within 45 days of a consolidation order.

NOW THEREFORE, the parties through their respective counsel and subject to the Court's approval STIPULATE and AGREE that:

1. The following actions pending in this District should be consolidated for all purposes, including pretrial proceedings, trial, and appeal, pursuant to Federal Rule of Civil Procedure 42(a) (hereafter the "Consolidated Action"):

- *Patrick Reynolds et al. v. Marymount Manhattan College*, No. 1:22-cv-06846, Judge Lorna G. Schofield;
- *Marano et al. v. Marymount Manhattan College*, No. 1:22-cv-07027, Judge Lorna G. Schofield.

2. All papers filed in the Consolidated Action must be filed under Case. No. 1:22-cv-06846, the number assigned to the first-filed case, and must bear the following caption:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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| In re Marymount Manhattan College Data Security Incident Litigation |
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Case No. 1:22-cv-06846

3. The case file for the Consolidated Action will be maintained under the Master File Case No. 1:22-cv-06846.

4. The clerk is directed to administratively close the following related case: *Marano et al. v. Marymount Manhattan College*, No. 1:22-cv-07027, Judge Lorna G. Schofield.

5. Any action subsequently filed, transferred, or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action will be automatically consolidated with it within 10 calendar days following the filing of that action. If any party objects to such consolidation or otherwise wishes to seek alternative relief, they must do so before the expiration of that period.

6. As soon as practicable, the parties will notify the Court pursuant to Local Civil Rule 1.6 whenever a related case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, the clerk will:

- a. place a copy of this Order in the separate file for such action;
- b. serve on plaintiff's counsel in the new case a copy of this Order;
- c. direct that this Order be served upon defendant(s) in the new case; and
- d. make the appropriate entry in the Master Docket.

7. Initial deadlines for this Consolidated Action are as follows: Plaintiffs will file a Consolidated Complaint within 30 days of a consolidation order. Defendant will respond to the Consolidated Complaint within 30 days. If Defendant responds by way of motion, Plaintiffs will

have 30 days to oppose the motion, and Defendant will have 21 days to reply. The parties will submit a joint letter and jointly proposed Case Management Plan and Scheduling Order within 45 days of a consolidation order.

IT IS SO STIPULATED.

DATED this 5th day of October, 2022.

By: /s/ Terence R. Coates
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Attorneys for Defendant

PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED.

DATED: _____

HONORABLE LORNA G. SCHOFIELD